

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Willie Terrance Batts

Docket No. 5:08-CR-120-1BO

Petition for Action on Supervised Release

COMES NOW Dewayne L. Smith, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Willie Terrance Batts, who, upon a finding of guilt by jury to Felon in Possession of a Firearm and Ammunition, in violation of 18 U.S.C. §§ 922(g)(1) and 924, was sentenced by the Honorable James C. Fox, U.S. District Judge, on January 21, 2009, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 3 years.

Willie Terrance Batts was released from custody on February 10, 2017, at which time the term of supervised release commenced. On May 3, 2017, this case was reassigned to the Honorable Terrence W. Boyle, U.S. District Judge. On May 3, 2017, a Violation Report was submitted advising that Batts tested positive for marijuana on April 27, 2017. He signed an admission of drug use form, was verbally reprimanded, counseled about his actions, and was referred to outpatient substance abuse treatment. The court agreed to continue supervision. On September 13, 2017, a Violation Report was submitted advising that Batts was charged in Pitt County with Driving While License Revoked on September 8, 2017 (17CR710074). The defendant admitted guilt and was instructed not to drive until properly licensed. The court agreed to continue supervision. On November 29, 2017, a Violation Report was submitted advising that Batts was charged in Wilson County with Driving While License Revoked and Open Container after Consuming Alcohol First (17CR2292). The defendant denied guilt, and the court agreed to continue supervision pending the adjudication of these new charges, which remain pending.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On January 11, 2018, the defendant was charged in Greene County with Driving While License Revoked after being stopped by Trooper J. F. Burrus with the North Carolina Highway Patrol (18CR70034). The defendant failed to notify the probation officer within 72 hours of this charge as required. Although this charge remains pending, Batts admits guilt. As a sanction for these violations, the probation office is recommending that he be placed on 30 days curfew with electronic monitoring. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 30 consecutive days. The defendant is restricted to residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Dewayne L. Smith
Dewayne L. Smith
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: 252-830-2338
Executed On: January 29, 2018

ORDER OF THE COURT

Considered and ordered this 29 day of January, 2018, and ordered filed and
made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge